UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE)) MDL No. 1456
LITIGATION	CIVIL ACTION: 01-CV-12257 PBS
THIS DOCUMENT RELATES TO Master File No. 01-CV-12257-PBS)) Judge Patti B. Saris
	Chief Mag. Judge Marianne B. Bowler

STATUS REPORT APRIL 1, 2006

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court listing the status of all pending motions to date.

DATED: April 3, 2006

Respectfully Submitted,

PLAINTIFFS' LEAD COUNSEL ON BEHALF OF ALL PLAINTIFFS

By /s/ Thomas M. Sobol

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing **Status Report** to be served on all counsel of record electronically on April 3, 2006 pursuant to Section D of Case Management Order No. 2.

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MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

	MDF	ORIGINAL	OTAM LAND
GOVEKNIMENT ENTILL CASES	DOCKET NUMBER	JURISDICTION	STATOS
	02-CV-12084- PBS	Removed to D. Mont.	December 7, 2005 – Defendants' Emergency Motion for an Order Holding Plaintiffs in
			Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of
			ಶ
			o December 7, 2005 – Defendants' Motion for Expedited Briefing Schedule and Oral
			Argument on Defendants' Motion for an Order Holding Plaintiffs in Contempt, for
			Freedward of Fotentially Relevant Documents, and for an Accounting of Sponated Documents
			o December 8, 2005 – Opposition of the States of Nevada and Montana to Defendants'
			Motion for Expedited Briefing Schedule and Oral Argument on Defendants' Motion for an
			Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents,
			and for an Accounting of Spoliated Documents
			o December 12, 2005 – Defendants' Motion for Leave to File Reply Memorandum in Support
			of Motion Expedited Briefing Schedule and Oral Argument on Defendants' Motion for an
			Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents,
Montana v. Abhott Lahs Inc.			and for an Accounting of Spoliated Documents
et al.			o December 15, 2005 – Opposition of the States of Nevada and Montana to Defendants'
			Motion for Leave to File Reply Memorandum in Support of Motion Expedited Briefing
			Schedule and Oral Argument on Defendants' Motion for an Order Holding Plaintiffs in
			Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of
			Spoliated Documents
			o December 21, 2005 – Opposition of the States of Nevada and Montana to Defendants'
			Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially
			Relevant Documents, and for an Accounting of Spoliated Documents
			o January 6, 2006 – Defendants' Motion for Leave to File a Reply Brief in Support of Their
			Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of
			Potentially Relevant Documents, and for an Accounting of Spoliated Documents
			o January 6, 2006 – Defendants' Reply Brief in Support of Their Emergency Motion for an
			Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents,
			and for an Accounting of Spoliated Documents
			o January 11, 2006 – Opposition of the States of Nevada and Montana to Defendants' Motion
			for Leave to File a Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt for Preservation of Potentially Relevant Documents and for an

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
			Accounting of Spoliated Documents
Nevada v. American Home Products, Inc. et al ("Nevada II")	02-CV-12086- PBS	Removed to D. Nev.	• December 7, 2005 – Defendants' Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents (re: Montana and Nevada, see entry under Montana v. Abbott Labs., Inc. et al.)
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226- PBS	Removed to C.D.	 August 25, 2005 – First Amended Complaint in Intervention for Money Damages and Civil Penalties for Violations of the California False Claims Act October 6, 2005 – Motion for Entry of Joint Stipulation to Stay the Deadline for Defendant Abbott Laboratories Inc. to Respond to the First Amended Complaint in Intervention September 12, 2005 – Relator Ven-A-Care's Motion For Leave to File Under Seal Relator's Notice of Election and Notice of Dismissal January 17, 2006 – Defendants' Motion to Dismiss the First Amended Complaint in Intervention (individual memoranda of law submitted by ZLB Behring LLC and Abbott Laboratories Inc.) January 17, 2006 – Behringer Ingelheim Pharmaceuticals, Inc.'s Motion to Dismiss and Joinder in Defendants' Motion to Dismiss the First Amended Complaint February 13, 2006 – Boehringer Ingelheim Pharmaceuticals, Inc.'s Motion to Dismiss and Joinder in Defendants' Motion to Dismiss the First Amended Complaint in Intervention March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendants' Joint Motion to Dismiss the First Amended Complaint March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant Abbott Laboratories, Inc.'s Separate Motion to Dismiss the First Amended Complaint March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant Abbott Laboratories, Inc.'s Separate Motion to Dismiss the First Amended Complaint March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant ZLB Behring, LLC's Individual Motion to Dismiss the First Amended Complaint
Florida ex rel. Ven-A-Care of the Florida Keys v. Alpharma, Inc. et al., Case No. 05-257		Removed to N.D. FL	Motion to Remand in Florida v. Alpharma, Inc. (05-257) filed but not briefed prior to transfer September 16, 2005 – Plaintiffs' Memorandum of Law in Support of Motion for Remand filed in D. Mass. October 14, 2005 – Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Remand to State Circuit Court November 18, 2005 – Endorsed Request for International Judicial Assistance (Letter Rogatory)

GOVERNMENT ENTITY	MDL	ORIGINAL	STATUS
CASES	NUMBER		
			January 11, 2006 – Conditional Transfer Order transferring State of Florida, et al. v. Mylan Laboratories, Inc., et al., N.D. Fla., C.A. No. 4:05-490 o lanuary 26, 2006 – Notice of Opposition to proposed transfer filed by Florida Attorney General o January 27, 2006 – Motion and Brief to Vacate the CTO must be received by JPML no later than February 10, 2006
	n/a	D. Ariz.	
			 January 30, 2006 – Conditional Transfer Order transferring State of Arizona ex rel. ν. Abbott Laboratories, Inc., et al., D. Ariz., Case No. 2:06-45 February 13, 2006 – Notice of Opposition to proposed transfer filed by Arizona Attorney General
State of Arizona ex rel. v. Abbott Labs., Case No. 2:06-45			o February 22, 2006 – Motion and Brief to Vacate the CTO must be received by the JPML no later than March 1, 2006
			 February 27, 2006 – Plaintiff's Motion to Vacate the CTO March 21, 2006 – Defendants' Opposition to Plaintiff's Joint Motion to Vacate CTO #28 March 28, 2006 – Reply Memorandum in Support of Plaintiff State of Arizona's Motion to Vacate Conditional Transfer Order (CTO-28)
County of Nassau v. Abbott Labs., Inc. et al.	n/a	E.D.N.Y.	
Consolidated County Case:	n/a	E.D.N.Y.	• March 30, 2005 – County of Suffolk's Motion to Renew Its Second Motion to Compel the
City of New York (S.D.N.Y.)		N.D.N.Y. S.D.N.Y.	Production of Discovery From the Schering-Plough Corporation sub judice (Magistrate Judge Rowler)
County of Allegany		W.D.N.Y.	
(W.D.N.Y.) County of Broome (N.D.N.Y.)			Second Motion to Compel the Production of Discovery
County of Cattaraugus			• June 15, 2005 – Redacted Consolidated Complaint filed in the United States District Court for the
(W.D.N.Y.)			t of
County of Cayuga (IN.D.IN. I.) County of Chautauqua			o June 15, 2005 – Plaintiffs Motion for Leave to File Consolidated Complaint Under Seal o June 22, 2005 – Corrected Consolidated Complaint filed in the United States District Court
(W.D.N.Y.)			for the District of Massachusetts
County of Chenango			o June 23, 2005 - Motion for Leave to File Consolidated Complaint Under Seal Denied.
(N.D.N.Y.)			
(N.D.N.Y.)			o July 6, 2002 – Order mounying June 23, 2003 Order and extending time to me annaavits. October 4, 2005 – Defendants' Request for Extension of Time and Further Relief in
County of Cortland (N.D.N.Y.)			
County of Dutchess (S.D.N.Y.)			 February 8, 2006 – Motion by BMS for Extension of Time and Further Relief in Order to

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
County of Essex (N.D.N.Y.)			Comply with July 8, 2005 Order Denied
County of Fulton (N.D.N.Y.)			. March 2 2006 Defendants, Isint Metion to Dismise the New Vouly Consolidated Complaint
County of Greene (N.D.N.Y.)			and the Nassau County Second Amended Complaint
County of Herkimer			o Individual Memoranda of Each Defendant in Support of Its Motion to Dismiss (1) the
County of Jefferson			Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County (individual memoranda filed by Rayer
(N.D.N.Y.)			Corp., Sanofi-Synthelabo, Forest Labs., Inc./Forest Pharmaceuticals, Inc., Amgen, Inc.,
County of Lewis (N.D.N.Y.)			Pfizer Defendants, TAP Pharmaceutical Prods., Inc., Biogen Idec Inc., Wyeth, Novartis
County of Madison (N.D.N.Y.)			Pharmaceuticals Corp., EMD, Inc., Mylan Defendants, AstraZeneca Defendants, Endo
County of Monroe (W.D.N.Y.)			Pharmaceuticals, Roche Defendants, Boehringer Ingelhaim Corp., MedImmune, Inc., Merck & Co., Inc., Sandoz Inc., Ran Vanua Labs., Inc., Dar Pharmaceuticals, Rochringer
County of Oneida (N.D.N.Y.)			Ingelheim Corp.)
County of Onondoga			
(N.D.N.Y.)			
County of Ontario (W.D.N.Y.)			
County of Orleans (W.D.N.Y.)			
County of Rencelear			
(N.D.N.Y.)			
County of Rockland (S.D.N.Y.)			
County of St. Lawrence			
(N.D.N.Y.)			
County of Saratoga (N.D.N.Y.)			
County of Seneca (W.D.N. 1.)			
County of Steuben (W.D.N.Y.)			
County of Suffolk (E.D.N.Y.)			
County of Tompkins			
(N.D.N.Y.)			
County of Warren (N.D.N.Y.)			
County of Washington			
(IN.D.IN. I.)			
County of Westchester			
(S.D.N.Y.)			
County of Yates (W.D.N.Y.)			

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	URIGINAL JURISDICTION	SIAIUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	• May 3, 2004 – Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sicor and Together Rx Defendants sub judice (Nagistrate Ludge Bowler) May 17, 2004 – Certain Defendants' Notice of Opposition to Plaintiffs' Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time May 26, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering–Plough (Note: withdrawal applies only to Schering–Plough) May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel the Production of Documents May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs' Motion to Compel the Production of Documents Compel the Production of Documens Created During the Relevant Time Period Directed at Defendant Abbott Laboratories (Note: withdrawal applies only to Abbott Laboratories) June 8, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (Note: withdrawal applies only to Abbott Laboratories) June 9, 2004 – Plaintiffs' Reply Memorandum in Support of Motion to Compel the Production of Documents Created During the Relevant Time Period from the Together Rx Defendants O June 22, 2004 – Order granting Plaintiffs' Motion to Withdraw Motion to Compel Directed at Abbott Laboratories Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants • February 23, 2005 – Third Party Schaller Anderson Inc.'s Objection and Motion to Quash Plaintiffs' Subpoena
			 June 14, 2005 – Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.'s Motion for Protective Order with Memorandum in Support sub judice (Magistrate Judge Bowler)

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			o June 28, 2005 – Plaintiffs' Response to Sicor's Motion for Protective Order o July 7, 2005 – Motion for Leave to File Reply to Plaintiffs' Response to Sicor's Motion for Protective Order
			 November 9, 2005 – Plaintiffs' Motion for Order Exempting Defendant Abbott Laboratories from Any Order Refusing to Extend Deadline for Track Two Discovery
			Laboratories from Any Order Declining to Extend Deadline for Track Two Discovery o December 1, 2005 – Plaintiffs' Letter to Magistrate Judge Bowler Requesting Postponement of Hearing until Track Two Discovery Issues Resolved
			November 28, 2005 – Plaintiffs' Motion for Clarification of Case Management Order #16
			 November 30, 2005 – Response of Defendant Watson Pharma, Inc. to Plaintiffs' "Motion for Clarification of Case Management Order #16"
			o November 30, 2005 – Certain Track II Defendants' Request for Expedited Hearing
			o December 9, 2003 – Track II Detendants Submission Regarding Discovery Schedule O December 9, 2005 – Watson Pharmaceuticals, Inc.'s Response to
			Daxter International Inc. 8 Memorandum Regarding 1 rack II Discovery Schedule O December 9 2005 – Plaintiffs' Memorandum in Sunnort of Their
			December 16, 2003 – watson Pharmaceuticals, inc. s Motion for Leave to File Reply Memorandum in Support of Its Response to
			Court Order Regarding Discovery Schedule

STATUS	• January 18, 2006 – Plaintiffs' Motion to Compel Third-Party AmeriSource Bergen Corp. to Produce Deponent(s) Pursuant to Fed. R. Civ. P. 30(B)(6) and Fed. R. Civ. P. 45	 February 16, 2006 – Dey, Inc.'s and Abbott Laboratories' Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 Pursuant to Fed. R. Civ. P. Rule 72(a) Ebruary 22, 2006 – Plaintiffs' Assented-to Motion for Leave to Reply to Dey, Inc.'s and Abbott Laboratories' Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 to File Such Reply Until March 8, 2006 March 8, 2006 – Plaintiffs' Opposition to Dey, Inc.'s and Abbott 	Laboratories' Objections to Chief Magistrate Judge Bowler's Order Denying Further Discovery of Massachusetts Health Plans March 8, 2006 – Plaintiffs' Motion for Leave to File Plaintiffs' Opposition to Dey, Inc.'s and Abbott Laboratories' Objections to Chief Magistrate Judge Bowler's Order Denying Further Discovery of Massachusetts Health Plans	February 21, 2006 – UnitedHealthcare, Inc. and United HealthCare Insurance Company's Limited Objections to Magistrate Judge's Order Granting Defendants' Motion to Compel	 March 9, 2006 – Track Two Defendants' Motion to Enforce Compliance with Case Management Order No. 14 o March 23, 2006 – Class Plaintiffs' Opposition to Track Two Defendants' Motion to Enforce Compliance with Case Management Order No. 14 	March 14, 2006 – Track Two Defendants' Motion to Strike Portions of the Fourth Amended Master Consolidated Class Action Complaint March 17, 2006 – Schering-Plough Corp.'s and Warrick Pharmaceuticals Corp.'s Motion to Strike Portions of Plaintiffs' Fourth Amended Master Consolidated Class Action Complaint
ORIGINAL JURISDICTION						
MDL DOCKET NO.						
PRIVATE CLASS CASES	Master Consolidated Class Action (continued)					

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL	STATUS
Master Consolidated Class Action (continued)			o March 28, 2006 – Class Plaintiffs' Opposition to Track Two Defendants' Motion to Strike Portions of the Fourth Amended Master Consolidated Class Action Complaint o March 31, 2006 – Class Plaintiffs' Opposition to Schering-Plough Corporation's and Warrick Pharmaceuticals Corporation's Motion to Strike Portions of Plaintiffs' Fourth Amended Master Consolidated Class Action Complaint and Notice of Errata
			March 15, 2006 – Track One Defendants' Motion for Summary Judgment (individual memoranda filed by each of the Track One Defendants)
			March 17, 2006 – Defendants' Motion to Compel Third Party Oxford Health Plans to Produce Documents and Witnesses for Deposition Pursuant to Subpoena and for Recovery of Attorney Fees and Costs
			March 21, 2006 – Defendants' Motion to Compel Production of Documents from Blue Cross Blue Shield of Massachusetts
			March 23, 2006 – Motion for Modification of the Protective Order (filed by Pirelli Armstrong Tire Corp. Retiree Medical Benefits Trust, Teamsters Health & Welfare Fund, Philadelphia Federation of Teachers Health & Welfare Fund, and McKesson Corp.)
International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.	04-11503-PBS	Removed to D.N.J.	n to
			o May 6, 2005 – Supplemental Brief in Opposition to Motion for

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al (continued)			Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund due to be filed June 1, 2005 – Supplemental Brief in Support of Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund re-filed July 20, 2005 – Notice of Supplemental Authority August 19, 2005 – Memorandum and Order: AstraZeneca Shall Submit an Affidavit Explaining Factual Basis for Statement in Notice of Removal within 30 days; and All Discovery on Fraudulent Joinder Claims Shall be Completed within 60 days September 19, 2005 – Response of AstraZeneca Pharmaceuticals LP (Attaching Declaration of Scott Wise with Exhibits) Filed in Response to Court Order Dated August 19, 2005 Sentember 29, 2005 – Motion by Plaintiff International Union of
			o December 28, 2005 – AstraZeneca Pharmaceutical's Second Supplemental Memorandum of Law in Opposition to Motion for Remand by Plaintiff International Union of Operating Engineers, Local No. 68 Welfare Fund o January 24, 2006 – Opposition by Local 68 to Defendants' Second Supplemental Memorandum of Law in Opposition to Remand e February 10, 2006 – Supplemental Brief in Support of Remand by Plaintiff, International Union of Operating Engineers, Local No. 68
			Welfare Fund, Per Court's Directive of January 27, 2006 Pebruary 10, 2006 – Motion to File Under Seal Affidavit of Donald E. Haviland, Jr. in Support of Supplemental Brief in Support of Remand by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund, in Response to Court's Directives of January 27, 2006, and in Response to Order of February 2, 2006 and Exhibits Thereto Pebruary 10, 2006 – AstraZeneca Pharmaceutical LP's

International Union of Operating	ORIGINAL JURISDICTION	STATUS
International Union of Operating		Memorandum of Law Pursuant to the Court's Directive on January 27 and in Opposition to Motion for Remand by Plaintiff International Union of Operation Engineers, Local No. 68 Welfare Fund
Engliteers, Local No. 00 Wellare Find v. Astro-Zoneco DI C ot ol		October 28, 2005 – Notice of Voluntary Dismissal of Lupron Related Claims with Prejudice by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund
(continued)		January 30, 2006 – AstraZeneca's Notice of Proposed Order Pursuant to the Court's January 27, 2006 Rulings January 31, 2006 – Notice of Opposition to Proposed Order Presented by AstraZeneca Pharmaceuticals LP Respecting the Court's January 27, 2006 Rulings, and Submission of Alternative Form of Order January 31, 2006 – Statement Regarding Plaintiff's Opposition to Form of Order Submitted by AstraZeneca Pursuant to the Court's January 27, 2006 Rulings
Government Employees Hospital Association v. Serono	D. Mass.	September 23, 2005 – Class Action Complaint filed November 21, 2005 – First Amended Class Action Complaint Filed Against Serono International, S.A., Serono Laboratories, Inc., Serono, Inc., RJL Systems, Inc., and Rudolph J. Liedtke February 3, 2006 – Serono Labs' Response to the Amended Complaint due March 17, 2006 – Plaintiffs' Opposition to Responsive Motion due April 6, 2006 – Serono Labs' Reply to Opposition due March 21, 2006 – Second Amended Class Action Complaint Against Serono International, et al.
International, S.A. et al		 October 31, 2005 – Order case consolidated with 01-cv-12257 February 22, 2006 – Serono Defendants' Consent to Plaintiff's Request to File Second Amended Complaint and Joint Motion for Entry of the Parties' Agree-Upon Schedule for Response Motion to dismiss the Second Amended Class Action Complaint to be filed April 28, 2006; opposition due on June 6, 2006, reply due on June 25, 2006